

**Congress of the United States**  
**Washington, DC 20515**

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

The Honorable Christopher Wray  
Director  
Federal Bureau of Investigation  
935 Pennsylvania Avenue, NW  
Washington, DC 20535

May 5, 2022

Dear Attorney General Garland and Director Wray:

We write today to request your assistance in launching a criminal investigation into the potential illegal leaking of a draft Supreme Court opinion written by Associate Justice Samuel Alito. Leaking a draft Supreme Court opinion represents a vicious assault on judicial independence at the Supreme Court and is likely to have a devastating impact on future internal deliberations at our nation's highest court. Whoever leaked this draft opinion has inflicted severe damage on the reputational integrity of the Supreme Court and should be swiftly held accountable to the fullest extent of the law.

Underscoring the severity of this unprecedented behavior, Chief Justice John G. Roberts, Jr. has called this leak "...a singular and egregious breach of that trust that is an affront to the Court and the community of public servants who work here." Additionally, Scotusblog, in a tweet, stated that "It's impossible to overstate the earthquake this will cause inside the Court, in terms of the destruction of trust among the Justices and staff. This leak is the gravest, most unforgivable sin." We wholeheartedly agree that this sin is unforgiveable and further argue that an immediate criminal investigation is clearly warranted.

Because this draft opinion was leaked to the media without authorization, we are referring this matter to you for investigation of potential violations of 18 U.S.C. § 2071.

18 U.S.C. § 2071 states (emphasis added):

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and **carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States**, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, **having the custody of any such record**, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, **removes**, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from

holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

Thank you for your prompt attention to this matter.

Sincerely,



John Rose  
Member of Congress



Michael C. Burgess, M.D.  
Member of Congress



Stephanie Bice  
Member of Congress




Gregory F. Murphy, M.D.  
Member of Congress



Jefferson Van Drew  
Member of Congress



Chuck Fleischmann  
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David Rouzer  
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Jeff Duncan  
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John R. Moolenaar  
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Billy Long  
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Lisa McClain  
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Andy Harris, M.D.  
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Vicky Hartzler  
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Diana Harshbarger  
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Alex X. Mooney  
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Eric A. "Rick" Crawford  
Member of Congress



Yvette Herrell  
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Byron Donalds  
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Kevin Hern  
Member of Congress



Thomas P. Tiffany  
Member of Congress



Bill Johnson  
Member of Congress



Mary E. Miller  
Member of Congress